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IFW

Docket No.: 0803-001-025-000000
Customer No. 44,765

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

POST-FILING TRANSMITTAL AND FEE TRANSMITTAL

Inventors: W. Daniel Hillis et al.

TITLE: PHOTO-DETECTOR FILTER HAVING A CASCADED LOW NOISE AMPLIFIER

Application No.: 10/758,950

Filing Date: January 14, 2004

Confirmation No.: 6199

ENCLOSURES

- ☒ Check
- ☒ An Amendment in Response to 09 August 2006 Office Action with Appendix A
- ☐ Sheets of Drawings (Figs.)
- ☐ A Declaration under 37 C.F.R. § 1.132 / A Supplemental Declaration
- ☒ A Terminal Disclaimer
- ☐ A Petition for Extension of Time
- ☐ An Information Disclosure Statement, Form PTO-1449, and Copies of Citations
- ☐ A Petition to the Director
- ☐ A Notice of Appeal / Appeal Brief.

LARGE ENTITY FEE CALCULATION

Claims:

	No. Remaining	Number Paid For		Extra		Surcharge/ Fees		
Total Claims	70	70	=	0	x	\$50	=	\$0
Independent Claims	3	3	=	0	x	\$200	=	\$0
Multiple Dependent Claims	0		=	0	x	\$360	=	\$0
Terminal Disclaimer								\$130
Petition for Extension of Time								\$
Information Disclosure Statement								\$
Petition to Director								\$

Total Fee Enclosed \$130

METHOD OF PAYMENT

☒ Payment enclosed

☒ Check

☐ Money Order

☐ Other

☒ The Commissioner is hereby authorized to

☐ Charge indicated fees and credit any over payments to Deposit Account No. _____

☒ Charge any additional fees required under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 502857.

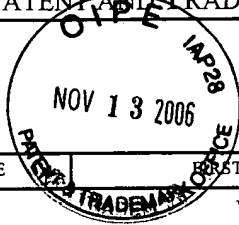
Submitted by:

Dale Cook
Attorney
Reg. No. 42,434

09 Nov 2005
Date



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,950	01/14/2004	W. Daniel Hillis	0803-001-025-000000	6199

44765 7590 08/09/2006

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EXAMINER

VALENTIN, JUAN D

ART UNIT PAPER NUMBER

2877

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

IV - ISF Docketing	
Entered in Docket	
by	<i>Sma</i>
On	<i>8/15/06</i>
Double Docketed	
by	<i>Sen</i>
On	<i>8/16/06</i>

18115-06
RECEIVED

AUG 14 2006

Intellectual Ventures

Art Unit: 2877

application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-70 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 7,053,998 B2 in view of 7,045,760 B2 and U.S. Patent No. 7,053,998 B2 in view of 7,053,809 B2 as shown in the chart below.


10/758,950

7,053,998 B2 in view of 7,045,760 B2

10/758,950

7,053,998 B2 in view of 7,045,760 B2

7,053,809 B2



1	1	1 & 2	36	1	16
2	2		37	1	17
3	3		38	1	19
4	1		39	2	
5	4		40	2	
6	5		41	3	
7	6		42	1	
8	7		43	10	
9	8		44	10	
10	9		45	11	
11	10		46	12	
12	11		47	20	
13	12		48	18	
14	13		49	21	
15	14		50	1	19 & 20
16	15		51	1	21
17	16		52	1	22
18	17		53	1	23
19	18		54	1	24

Art Unit: 2877

20	19		55	1	25
21	20		56	1	19
22	21		57	1	17 & 26
23	1	4 & 5	58	1	1 & 2
24	1	4 & 5	59	2	
25	1	6	60	2	
26	1	7	61	4	
27	1	8	62	10	
28	1	9	63	10	
29	1	10	64	9	
30	1	11	65	1	
31	1	12	66		
32	1	13	67		
33	1	14	68		
34	1	15	69		
35	1	16	70	1	33

Allowable Subject Matter

3. Claims 1, 38, & 58 objected to as being a rejected base claim, but would be allowable if a timely filed terminal disclaimer is filed and/or rewritten to overcome the 35 U.S.C. §101 and including all of the limitations of the base claim.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art fails to disclose or make obvious "a second photo detector array sensitive to the at least one defined wavelength of light, said second photo-detector array positioned proximate to said first photo detector array" and in combination with the other recited limitations of claim 1. Claims 2-37 would be allowed by virtue of dependency on the allowed claim 1.

Regarding claim 38, the prior art fails to disclose or make obvious "forming a second photo detector array sensitive to the at least one defined wavelength of light in a vicinity of the first photo detector array" and in combination with the other recited limitations of claim 38. Claims 39-57 would be allowed by virtue of dependency on the allowed claim 38.